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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,498	09/29/2003	Nobuya Okayama	500.43150X00	8478
24956	7590	10/12/2006	EXAMINER	
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.			WINTER, JOHN M	
1800 DIAGONAL ROAD			ART UNIT	
SUITE 370			PAPER NUMBER	
ALEXANDRIA, VA 22314			3621	

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/671,498	Applicant(s) OKAYAMA ET AL.	
	Examiner John M. Winter	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3621

DETAILED ACTION

Claims 1-20 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coley et al. (US Patent 5,790,664) in view of Christiano (US Patent 5,671,412).

As per claim 1,

Coley et al. ('664) discloses a digital contents license and privilege management method for managing licenses and privileges granted for digital contents to users, comprising the steps of:

registering licenses for digital contents requested to be purchased by each user;
registering association of said registered licenses with each user in a database;(Column 14, lines 13-44)

deleting a license corresponding to a license return request from said database when receiving the license return request to return a license granted for digital contents selected from said stored digital contents by a user;(Column 14, lines 57-67)

specifying a user corresponding to said deleted license;(Column 14, lines 57-67)

performing management while associating said specified user with contents of said deleted license or with a privilege corresponding to said license return request. (Column 14, lines 57-67)

Coley et al. ('664) does not explicitly disclose a storing the digital contents having said registered licenses and information concerning said licenses. Christiano discloses storing the digital contents having said registered licenses and information concerning said licenses (Figure 11) It would be obvious to one having ordinary skill in the art at the time of the invention to combine Coley et al. ('664)'s system with Christiano's teaching in order to profile customer usage of licenses.

Claims 6, 7, 11 and 18 are in parallel with claim 1 and are rejected for at least the same reasons.

As per claim 2,

Art Unit: 3621

Coley et al. ('664) discloses a digital contents license and privilege management method according to claim 1,

further comprising the steps of: processing said request to return a license granted for digital contents as collection or purchase of said license;(Column 14, lines 57-67)

storing information concerning collection or purchase of said license in said database while associating said information with a user corresponding to said license designated by said license return request.(Column 16, lines 20-38)

As per claim 3,

Coley et al. ('664) discloses a digital contents license and privilege management method according to claim 2,

further comprising the step of storing a privilege corresponding to said license return request while associating said privilege with said information concerning collection or purchase of said license. (Column 16, lines 20-38)

As per claim 4,

Coley et al. ('664) discloses a digital contents license and privilege management method according to claim 1,

Official Notice is taken that "privilege corresponding to said license return request is version upgrade of digital contents corresponding to said deleted license" is common and well known in prior art in reference to software distribution. It would have been obvious to one having ordinary skill in the art at the time the invention was made to delete a license record in response to a request for an upgrade because the upgraded software might have a different record structure than their prior version.

Claims 10 and 14 are in parallel with claim 4 and are rejected for at least the same reasons.

As per claim 5,

Coley et al. ('664) discloses a digital contents license and privilege management method according to claim 1,

Official Notice is taken that "privilege is points that can be used for purchase of digital contents" is common and well known in prior art in reference to software distribution. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a point system to promote customer loyalty

Claims 9 and 15 are in parallel with claim 5 and are rejected for at least the same reasons.

As per claim 8,

Coley et al. ('664) discloses a digital contents management apparatus according to claim 6,

further comprising a user management database for managing identification information of the user, the license corresponding to the user and the privilege granted to the user while associating the identification information, the license and the privilege with one another.

Art Unit: 3621

(Column 14, lines 13-56)

As per claim 12,

Coley et al. ('664) discloses a digital contents license and privilege management system according to claim 11,

wherein: said license return request to return a license granted for digital contents is for collection or purchase of said license; and said contents management device stores information concerning collection or purchase of said license while said information is associated with a user corresponding to said license designated by said license return request. (Column 14, lines 13-56)

As per claim 13,

Coley et al. ('664) discloses a digital contents license and privilege management system according to claim 12,

wherein said contents management device stores a privilege corresponding to said license return request while said privilege is associated with said information concerning collection or purchase of said license. (Column 14, lines 13-56)

As per claim 13,

Coley et al. ('664) discloses a digital contents license and privilege management system according to claim 12,

As per claim 16,

Coley et al. ('664) discloses a digital contents license and privilege management system according to claim 12,

wherein said contents management device stores information concerning collection or purchase of said license on the basis of transaction information of said license stored in said contents storage device. (Column 14, lines 13-56)

As per claim 17,

Coley et al. ('664) discloses a digital contents license and privilege management system according to claim 12,

wherein said contents management device sends information concerning the status of digital contents designated by said license return request and a privilege corresponding to said license return request to an external device. (Column 14, lines 13-56)

As per claim 19,

Coley et al. ('664) discloses a computer program according to claim 18,

wherein: said license return request is for collection or purchase of said license; and said computer program further comprises the step of storing information concerning collection or purchase of said license while associating said information with a user corresponding to said license designated by said license return request. (Column 14, lines 13-56)

As per claim 20,

Coley et al. ('664) discloses a computer program according to claim 19,

Art Unit: 3621

further comprising the step of storing a privilege corresponding to said license return request while associating said privilege with said information concerning collection or purchase of said license.(Column 14, lines 13-56)

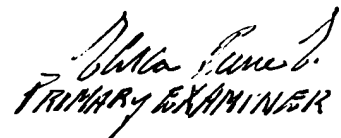
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Winter whose telephone number is (571) 272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John Winter
Patent Examiner -- 3621


PRIMARY EXAMINER